



CITY OF SAN DIEGO

**CITY COUNCIL STRONG MAYOR-STRONG COUNCIL TRANSITION COMMITTEE
CHAIRPERSON'S REPORT**

**TO THE:
DEPUTY MAYOR AND CITY COUNCIL**

DATE: October 7, 2005

ATTENTION: Honorable Deputy Mayor and City Council
Docket of October 17, 2005

SUBJECT: Ordinances Implementing the Transition to the Mayor-Council Form of Governance

SUMMARY

Issues

1. Should the City Council approve revised Permanent Rules of Council (SDMC 22.0101) implementing the structure of the legislative branch of San Diego Government consistent with Proposition F?
2. Should the City Council approve amendments to the Municipal Code changing references to the "City Manager" in the Municipal Code to instead refer to the "Mayor" consistent with the role of the Mayor under the provisions of Proposition F?
3. Should the City Council approve an ordinance establishing the new Office of Independent Budget Analyst?

Chairman's Recommendations

1. Approve revised Permanent Rules of Council (SDMC §22.0101) implementing the structure of the legislative branch under the Mayor-Council governance structure.
2. Approve amendments to the Municipal Code changing references to the "City Manager" to refer to the "Mayor."
3. Approve an ordinance establishing the new Office of Independent Budget Analyst.

Other Recommendations

On September 28, 2005 the City Council Transition Committee voted unanimously to recommend approval of the revisions to the Permanent Rules with the following changes:

1. Remove references requiring a committee chair to docket a matter referred to his or her committee within 120 days except in the following circumstances: 1) the matter has been referred to the committee by majority vote of Council or 2) the issue referred is an ordinance or resolution submitted for approval by the City Council.
2. Remove the provision which allows two members of a committee to force an item onto the agenda of that committee.

In addition, the Committee voted unanimously to recommend approval of the ordinance establishing the Office of Independent Budget Analyst as well as a global ordinance replacing “Mayor” for “City Manager” in the Municipal Code.

The committee discussed whether to prohibit the IBA or IBA/OLA staff members from holding those positions for some period of time after working for a San Diego elected official to ensure the department’s independence from direct influence of any one Councilmember. A proposal to prohibit service in the office of IBA for eight years beyond elective service failed on a 3-2 vote. However, there was common concurrence that this issue should be forwarded to the Council for further discussion at the time Council considers approval of the implementing ordinances.

Fiscal Impact – None with this action.

BACKGROUND

In the November 2004 election, the voters of San Diego approved Proposition F resulting in a change in the City’s governance structure from a Council-Manager form to a Mayor-Council form, also known as a Strong Mayor form of governance. The change will take place on a five-year trial basis beginning on January 1, 2006 and ending December 31, 2010, after which voters will decide whether or not to make the shift permanent.

Under the new structure the Mayor becomes the City’s Chief Executive Officer and will assume the authority and responsibility currently held by the City Manager. The Council will act as the legislative body, providing checks and balances to the Mayor's new authority. Under the new system, the City Council will select a Presiding Officer of the Council and can choose new committees. The Council will also appoint an Independent Budget Analyst to review and provide budget information to the Council, independent from the Mayor.

The City Council Transition Committee was established by the City Council on April 18, 2005 and is composed of all City Councilmembers. The Transition Committee has held nine meetings

between April 27, 2005 and September 28, 2005 to develop recommendations regarding how the new role of the Council will be implemented, within the parameters of Proposition F.

Information relating to the Council Transition Committee can be found on the City's web site at: <http://www.sandiego.gov/mayortransition/cctc/index.shtml>

Additionally, an 11-member Citizens' Advisory Committee (CAC) was created by the City Council on March 1, 2005. The purpose of this committee was to provide input and assistance to the City Council throughout the transition process. The CAC provided the Council Transition Committee with several reports on topics such as the Independent Budget Analyst, an Office of Legislative Analysis, Council President, Council Committee structure, and constituent services.

Information relating to the CAC can be found on the City's web site at:

<http://www.sandiego.gov/mayortransition/cac/index.shtml>

DISCUSSION

The Council Transition Committee held nine meetings to discuss and make recommendations on the key issues as necessitated by Proposition F including:

- Independent Budget Analyst (IBA)
- Office of Legislative Analysis
- Council President
- Council Committee Structure
- Legislative Process
- Constituent Services
- Budget Process
- Redevelopment Authority

The Dewey Square Group, the consulting team selected by the Council, provided research, analysis and reports on each of these key issues and presented those reports to the Transition Committee. All consultant reports are posted on the City's web page at:

<http://www.sandiego.gov/mayortransition/documents/index.shtml>. The Transition Committee also received input from the Citizens Advisory Committee and members of the public at each meeting. A summary of decisions related to each of the above topics is attached to this report (Attachment 1).

Three ordinances are proposed for Council consideration to implement the majority of recommendations of the Transition Committee. The first is a revision to the Permanent Rules of Council which will supersede the current Permanent Rule during the time that Proposition F is effective. The second ordinance establishes the new Office of Independent Budget Analyst and the legislative analysis function. Finally, a third ordinance is proposed that will change Municipal Code references from "City Manager" to "Mayor" to accurately reflect the role of the Mayor under Proposition F.

Budget Process and Constituent Services

The Transition Committee also made specific recommendations related to the budget process and constituent services that can be best addressed by amending existing Council Policies. The City Attorney is in the process of reviewing these Council Policies and preparing amending resolutions which will be docketed for consideration at a later date.

Redevelopment Authority

Finally, the structure and oversight of the City's Redevelopment Agency were discussed and recommendations made regarding the composition of the Agency Board, the Board's voting procedures and who should serve as the Agency's executive director. Implementation of these recommendations must be accomplished by amending the Agency's bylaws. Redevelopment Agency's bylaws must be considered and acted upon by the Agency Board as opposed to the City Council. As such, this issue will be scheduled for consideration at an upcoming Redevelopment Agency Board Meeting.

CONCLUSION

The Transition Committee which included public input and the assistance of a Citizen's Advisory Committee has developed recommendations regarding the implementation of the provisions of Proposition F as it relates to the legislative function of San Diego government under a Mayor-Council governance system. Three ordinances presented for the Council's consideration today implement those recommendations in addition to amending the Municipal code to accurately reflect the new role of the Mayor as executive under the new governance structure.

Respectfully submitted,

Councilmember Scott Peters
Chair, Council Transition Committee

Attachment 1:

Summary of Transition Committee Decisions

Issue/Task ➤ Council Transition Committee Actions	Transition Committee Vote/Date	Controlling Regulation
Independent Budget Analyst (IBA) Office ➤ Create the Office of the IBA ➤ Roles and responsibilities of the IBA <ul style="list-style-type: none"> • Generate reports on budget impacts of pending legislation when requested to do so by Council; and • Conduct fiscal research and analysis when requested to do so by Council of legislation introduced by the Mayor, City Council, Council Committees, or individual Councilmembers. ➤ Staffing levels <ul style="list-style-type: none"> • The Office of the IBA should be staffed appropriate to its mission. Initial staffing should begin with 9 professional positions, which includes 1 director and 8 professionals. The director of the office should have an advanced degree in policy, economics, and a minimum of a 4-year degree. • Direct the City Manager to return to the committee with an analysis assuming that the positions will come from existing positions in either the Mayor's Office or the City Manager's Office. ➤ IBA's Reporting Structure <ul style="list-style-type: none"> • The reporting structure should be prioritized as follows: 1. City Council as a whole, 2. Presiding Officer, 3. Committee Chairs, and 4. Individual Councilmembers. 	5/26/05 – approved (8-0)	IBA Ordinance PRC 6.6.5
Council Legislative Analyst (OLA) ➤ Establish an office of Legislative Policy Analyst (4/27/05 Motion to create OLA : failed. Reconsidered on 7/15/05)	7/15/05 – approved (7-1)	PRC 6.6.4 & 6.6.5
Council Presiding Officer ➤ Presiding Officer to be called "Council President" (5-0) ➤ President selected by majority vote of the Council (5-0) ➤ President can be removed by majority vote of the Council (5-0) ➤ President's term of office will be 1 year (4-1) ➤ Duties of the President (4-1) <ul style="list-style-type: none"> • Chair meetings of the Council; • Manage the docketing process; • Coordinate closed session dockets with the Mayor and City Attorney; • Fill a Mayoral vacancy with limited powers; • Select the Presiding Officer Pro Tem, subject to a majority Council approval; • Appoint Committee Chairs & vice chairs, subject to a majority approval; • Refer matters to Council Committees; • Enforce the rules of the Council; • Determine which matters will be listed on the Consent Agenda; • Request information regarding matters before the Council; • Call special meetings of the Council; and 	6/2/05 – approval (votes at left)	PRC Rules 4 & 5

Issue/Task ➤ Council Transition Committee Actions	Transition Committee Vote/Date	Controlling Regulation
<ul style="list-style-type: none"> • Represent the Council at public functions and to other governments. <p>➤ During term, Council President receives one additional Full-Time Position for docketing purposes (5-0)</p>		
<p>Council Committees</p> <p>➤ Committee structure (8-0)*</p> <ul style="list-style-type: none"> • Rules, Openness & Intergovernmental Relations (4 members) <ul style="list-style-type: none"> ▪ Permanent Rules of Council, City Charter, Intergovernmental Relations, Brown Act, Public Records Act, Community Right to Know, Accuracy of Government Information, Citizen's Right to Privacy, Consumer Protection, Efficiency and Effectiveness of Government Services, Nominations, Airports, Port District, and Interagency/Binational and Agreements. • Budget & Finance (4 members) <ul style="list-style-type: none"> ▪ Annual Budget Review, Capital Improvement Programs, Financial Reports, Taxes, Fees, Assessments, and Independent Budget Analyst Reports. • Land Use & Housing Committee (4 members) <ul style="list-style-type: none"> ▪ Planning, Land Use, Affordable Housing, Development Services, General Plan Amendments, Subdivisions, Community Facility Finance, Engineering, Annexations, Transportation Planning, Transit Services, Parking, Building Code/Inspection, Land Development Code, Utilities, Infrastructure Finance, and Housing Commission Quarterly Reports. • Public Safety and Neighborhood Services (4 members) <ul style="list-style-type: none"> ▪ Police, Fire, Paramedics, Neighborhood Parks, Recreation Programs, Youth Services, Senior Services, Neighborhood Revitalization, BIDs, Litter Control, MBE/WBE, Community Development Block Grant, Code Enforcement, Graffiti Abatement, and Parking Regulations and Enforcement. • Natural Resources & Culture Committee (4 members) <ul style="list-style-type: none"> ▪ Clean Water Program, Energy, Water, State and Federal Endangered Species Acts, Arts and Culture, TOT, Solid Waste Disposal, Recycling, APCD/Air Quality, Hazardous Waste, MSCP, Regional Parks and Open Space. <p>➤ Committee Representation (5-0)</p> <ul style="list-style-type: none"> • President shall nominate committee chairs and vice chairs subject to majority Council confirmation • Committee chairs serve one-year renewable terms <p>➤ Committee Process (5-0)</p> <ul style="list-style-type: none"> • City Council, by majority vote and the President have the authority to refer matters to specific committees. • Committee chairs have the authority to determine whether and when to calendar matters at their respective committees. 	<p>6/2/05 – approved (see votes at left except *)</p> <p>*7/15/05 - approval of committee structure (8-0)</p>	<p>PRC Rule 6 & 2.4.1 (a-e)</p>

Issue/Task ➤ Council Transition Committee Actions	Transition Committee Vote/Date	Controlling Regulation
<ul style="list-style-type: none"> • Committee chairs have the authority to call hearings on matters related to the work of their committee. ➤ Council President will chair the Rules Committee. (5-0) ➤ Retain the balance of the existing committee consultant structure (5-0) ➤ Rules Committee Consultant should work for and in the Office of the President. (5-0) 		
Constituent Services <ul style="list-style-type: none"> ➤ In keeping with current practices, each Councilmember is provided a budget to hire constituent service and policy staff as they see fit; ➤ Implement a monitoring system for constituent requests, similar to the system currently in place. The system should be accessible to City Council and departments and track the responsiveness to constituents, with the caveat that an adequate budget is provided for various data management functions requested; ➤ Establish a process in which the Citizens' Assistance Program Manager would provide quarterly reports to the Council Committee that oversees Neighborhood Services; and ➤ The Mayor shall designate liaison positions in certain high priority departments whose purpose is to respond to Council requests. 	6/16/05 – approved (6-0)	Future Council Policy – Under Development
Budget Process <ul style="list-style-type: none"> ➤ Create a budget working group; ➤ Council to make recommendations of Council priorities by resolution to the Mayor no later than February 1. 	6/16/05 – approved (6-0)	Current Council Policies regarding the Budget are being reviewed for incorporation of this direction
Legislative Process <ul style="list-style-type: none"> ➤ Submission of fully drafted matters <ul style="list-style-type: none"> • By a Councilmember <ul style="list-style-type: none"> ▪ Councilmember submits completed proposal including ordinance or resolution and digest prepared by City Attorney during "Introduction" portion of Council Meeting or to the City Clerk. • By the Mayor (on his own initiative or on behalf of a mayoral department) using a 1472 or equivalent providing equivalent information - 2 ways <ul style="list-style-type: none"> ▪ Councilmember sponsor – follows process above ▪ Mayoral Department submits to Clerk for inclusion in "introductions portion of the council docket 'introduced by the President at the request of the Mayor'" • Agencies follow similar process as mayoral method (ii) above. • When requested by a councilmember seeking to introduce a matter, the attorney shall prepare and ordinance or resolution and digest (including changes to current law and their legal implications) and deliver back to the requesting 	7/14/05 – approved (8-0)	PRC Rule 7 2.2.1 (items "held in committee" 7.6.2 (docketing of items not subject to Mayoral veto)

Issue/Task ➤ Council Transition Committee Actions	Transition Committee Vote/Date	Controlling Regulation
<p>councilmember</p> <ul style="list-style-type: none"> • Council President refers the matter to one committee or dockets for Council consideration <p>➤ Submission for referral to committee</p> <ul style="list-style-type: none"> ➤ A Councilmember may introduce an item without preparation of an ordinance or digest. In such a case, the item shall be referred to a committee for refinement and then or concurrently to the City Attorney for development of ord/reso & digest. <p>➤ Committee Review</p> <ul style="list-style-type: none"> ➤ Committee Chair decides when and whether to hear an item referred to the committee ➤ Committee Chair also has authority to introduce items at his committee directly. <ul style="list-style-type: none"> ▪ Majority Vote = referred to Council with recommendation for approval ▪ Tie vote = refer to Council without recommendation ▪ No majority vote = no referral to Council <p>➤ Extraction of an item "stuck in committee."</p> <ul style="list-style-type: none"> ➤ If an item has not been heard at committee following 120 days after referral, the item may be extracted for Council review by the President or by majority vote of the Council <p>➤ Council Review (per Prop F)</p> <ul style="list-style-type: none"> ➤ 5-vote Council adoption ➤ Mayoral Veto ➤ 5-vote Council override 		

Key: PRC = Permanent Rules of Council; IBA Ordinance = Item 2B on today's agenda